G. HOPKINS GUY, III (State Bar No. 124811)
hopguy@orrick.com
I. NEEL CHATTERJEE (State Bar No. 173985)
nchatterjee@orrick.com
MONTE COOPER (State Bar No. 196746)
mcooper@orrick.com
THERESA A. SUTTON (State Bar No. 211857)
tsutton@orrick.com
YVONNE P. GREER (State Bar No. 214072)
ygreer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF THERESA A. SUTTON IN SUPPORT OF PLAINTIFFS' CIVIL L.R. 7-11 MISCELLANEOUS ADMINISTRATIVE REQUEST FOR ORDER SETTING CASE MANAGEMENT CONFERENCE OR ISSUING CASE MANAGEMENT ORDER**

Dockets.Justia.com

I, Theresa A. Sutton, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Plaintiffs FaceBook, Inc. and Mark Zuckerberg in the above-captioned action. I am a member of the Bar of the State of California. I make this Declaration in support of Plaintiffs' Civil L.R. 7-11 Miscellaneous Administrative Request for Order Setting Case Management Conference. I have personal knowledge of the facts set forth in this declaration and could and would competently testify thereto under oath if called as a witness.

1. On Thursday, December 6, 2007, I sent an email to Valerie Wagner, counsel for David Gucwa, and Scott Mosko, counsel for the remaining defendants, asking if the defendants would stipulate to setting a Case Management Conference on Friday, December 14, 2007. Ms. Wagner responded later that day stating that she was unavailable on Friday, December 14, 2007. I received no response from Mr. Mosko.

2. On December 7, 2007, I emailed Mr. Mosko and Ms. Wagner asking them to propose dates for a CMC within the next month. Mr. Mosko's response indicated that he could not provide his availability because of family circumstances. As of the time of this filing, I have not received a response from Ms. Wagner.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 11th day of December, 2007, at Menlo Park, California.

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 11, 2007.

Dated: December 11, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton